HIGH COURT OF CHHATTISGARH AT BILASPUR

Second Appeal No.403/2004

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Appellant Thandha Ram Patel S/o Kislal, aged about 55 years, R/o Vill.Limgaon, Tah. and District Korba (CG)

Versus

Respondents Plaintiffs

1. Janbai widow of Ghurau das, aged about 54 years.
2. Shivdas S/o Ghurau Das, aged about 26 years
3. Laxmin Bai D/o Ghurau Das, aged about 31 years.
4. Kirtan Das S/o Ghurau Das, aged about 18 years.
5. Teras Bai D/o Ghurau Das, aged about 17 years.
6. Lakheshwari Bai D/o Ghurau Das, aged about 14 years.

   Respondent No. 5 & 6 minor through next friend real mother Respondent No.1

   All are resident of Limgaon, Tah.and Distt. Korba (CG)
7. State of Chhattisgarh Through – Collector, Korba (CG)
8. Rambai W/o late Dalludas, aged about 62 years, R/o Limgaon Tah.& Distt.Korba (CG)

Second appeal lunder Section 100 of C.P.C.

Present:-
Shri J.K. Sastry, counsel for the appellant.
Shri Akhil Agrawal, PL for the State/respondent No.7.

ORAL ORDER

(Passed on 25th July, 2007)

(1) Learned counsel for the appellant seeks permission to withdraw this appeal on the ground that the appellant was not impleaded as a party in the

trial Court as also before the lower appellate Court. He prays for liberty to file a fresh suit.

(2) In view of submission made, this S.A. No.403/2004 is dismissed as withdrawn. The appellant is at liberty to have recourse to remedy available under law.

Sd/-
Dilip RaoSaheb Deshmukh
Judge